

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ERIC CHRISTIAN,

Plaintiff,

v.

CHRISTOPHER HOYE, et al,

Defendants.

Case No. 2:19-cv-00364-RFB-EJY

REPORT AND RECOMMENDATION

On February 28, 2019, Plaintiff filed his incomplete *in forma pauperis* application (ECF 1). On April 10, 2019, Plaintiff filed a second incomplete *in forma pauperis* application. ECF No. 4. On July 30, 2019, the Court denied both *in forma pauperis* applications, and gave Plaintiff until September 6, 2019 to file a complete *in forma pauperis* application or pay the \$400.00 filing fee. ECF No. 5. The Court also ordered the Clerk of the Court to retain the Complaint (ECF No. 1-1), but not file it at this time. *Id.*

Plaintiff then filed a motion seeking some form of extension arising from separate cases. ECF No. 9. Plaintiff also filed three motions requesting extensions of time to file a complete *in forma pauperis* application (ECF Nos. 7, 10, and 12), each of which was granted. ECF Nos. 8, 11, and 13. On November 18, 2019, Plaintiff filed his third incomplete *in forma pauperis* application. ECF No. 14.

On December 26, 2019, the Court denied Plaintiff's third *in forma pauperis* application, and gave him 45 days from the date of the Order to file a complete *in forma pauperis* application. ECF No. 15. The Court's December 26, 2019 Order was returned on January 9, 2020 as undeliverable. ECF No. 16. Thereafter, Plaintiff filed two Motions (ECF Nos. 17 and 18) bearing a different return address than the one he initially provided to the Clerk's Office. The Clerk of Court updated the return address on file to the address presented in ECF Nos. 17 and 18.

On April 17, 2020, the Court denied all three of Plaintiff's pending Motions (ECF Nos. 9, 17, and 18), ordered the Clerk of the Court to continue to hold Plaintiff's Complaint (ECF No. 1-1)

1 in abeyance, and gave Plaintiff one final opportunity to file a complete *in forma pauperis* application.
 2 ECF No. 19. The Court warned Plaintiff that if a “complete *in forma pauperis* application is not
 3 received on or before [May 7, 2020] the Court will recommend this matter be dismissed in its
 4 entirety.” *Id.* at 3.

5 The Court’s April 17, 2020 Order was returned as undeliverable on April 29, 2020. ECF No.
 6 20. Plaintiff has not updated his address since that time. Local Rule IA 3-1 provides that a “pro se
 7 party must immediately file with the court written notification of any change of mailing address[.] .
 8 . . Failure to comply with this rule may result in the dismissal of the action, entry of default judgment,
 9 or other sanctions as deemed appropriate by the court.”

10 Accordingly, and based on the history above, including providing Plaintiff multiple
 11 opportunities to file a complete *in forma pauperis* application or the \$400 filing fee required to
 12 commence a civil action,

13 IT IS HEREBY RECOMMENDED that this matter be dismissed with prejudice.

14
 15 DATED this 22nd day of October, 2020.

16
 17 
 18 ELAYNA J. YOUCHAK
 19 UNITED STATES MAGISTRATE JUDGE

20 **NOTICE**

21 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be
 22 in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has
 23 held that the courts of appeal may determine that an appeal has been waived due to the failure to file
 24 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also
 25 held that (1) failure to file objections within the specified time and (2) failure to properly address
 26 and brief the objectionable issues waives the right to appeal the District Court’s order and/or appeal
 27 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
 28 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).